

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, September 8, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of August 11, 2015
 - 2. Meeting of August 25, 2015
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)
 - 2. **New Agency Hearing** (NONE)
 - 3. **Continued Public Hearing** (NONE)
 - 4. **New Public Hearing**
 - 1. Zoning Amendment ZA-2015-7: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, to establish a process to permit Homestays in the Commercial Districts, Resort Zoning Districts and Residential Zoning Districts = *County of Kauai, Planning Department.*
 - a. Director's Report pertaining to this matter.

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing, September 22, 2015.

a. Special Management Area Use Permit SMA(U)-2016-1, Class IV Zoning Permit Z-IV-2016-2, Use Permit U-2016-2 and Special Permit SP-2016-1 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Kuhio Highway in Wainiha, situated approx. ¼-mile mauka of the Ananalua Road/Kuhio Highway intersection and further identified as 4636-B Ananalua Road, Tax Map Key 5-8-006:010, and containing a total area of 2.52 acres = ***Michael Rodger***.

1. Director's Report pertaining to this matter.

b. Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalaheo, situated approx. 500 ft. makai of the Ulu Alii Street/Waha Road intersection and further identified as 3913 Ulu Alii Street, Tax Map Key 2-3-015:061, and containing a total area of 10,098 sq. ft. = ***Monica Jean Adams-Hansen Trust***.

1. Director's Report pertaining to this matter.

c. Class IV Zoning Permit Z-IV-2015-38 and Use Permit U-2015-37 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lawai, situated approx. 500 ft. east of the Hailima Road/Aka Road intersection and further identified as 3922 Aka Road, Tax Map Key 2-6-013:026, and containing a total area of 8,050 sq. ft. = ***Patrick & Judy Mahon***. [Hearing postponed 7/28/15 due to applicant's failure to meet notification requirement. Reattaching: Director's Report received by Clerk of the Commission 7/14/15,; Supplement No. 1 Director's Report and Addition to 7/28/15 Agenda received by PC 7/28/15.]

1. Director's Report pertaining to this matter.

2. Supplement No. 1 Director's Report pertaining to this matter.

3. Addition to Planning Commission's 7/28/15 Agenda.

H. EXECUTIVE SESSION (NONE)

I. GENERAL BUSINESS MATTERS

1. General Plan Update.

a. Director's Report pertaining to this matter.

2. Appeal from Permit Compliance Violation – Levy of Fines dated August 12, 2015, Exhibits “A” – “F” and Certificate of Service by Roy A. Vitousek III and Allison Mizuo Lee, Attorneys for Appellants Neal Norman, Melissa Norman; Harold Robert Downs and Sharon Lee Carroll; Matthew M Malerich and Judith E. Malerich; Zibo, LLC and Ohanahale, LLC. [CC-2015-22]

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

1. Amendment to Class IV Zoning Permit Z-IV-2001-16, Use Permit U-2001-1-2 and Special Permit SP-2001-7 involving modifications to a cellular telecommunications facility, Tax Map Key 5-2-004:049, Kilauea, Kauai = **Verizon Wireless**. [Director's Report received and matter deferred 8/11/15.]
2. Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, Use Permit U-2015-41 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of Aliomanu Road in Anahola, situated approx. ¾ mile makai of its intersection with Kuhio Highway, further identified as 4760 Aliomanu Road, Tax Map Key 4-8-013:007, and containing a total area of 11,481 sq. ft. = **Karen Hillstrom**. [Director's Report received 8/11/15, hearing closed and matter deferred 8/25/15.]

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, September 22, 2015**.

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING

Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawai'i 96766

Tuesday, September 8, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of July 28, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Action
 - a. Subdivision Application No. S-2016-1
(Kukuiula Development Co. (Hawaii) LLC.)
Proposed 11-lot Consolidation & Resubdivision
TMK: (4) 2-6-019:022, 023 & 024
Kukuiula, Koloa, Kaua'i

1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) Continued

2. Subdivision Extension Requests

- a. Subdivision Application No. S-2007-16
(Jack Nishimoto, et. al.)
Proposed 8-lot Subdivision
TMK: (4) 3-2-002:033-036
Niumalu, Lihue, Kauai

- 1. Evaluation & Recommendation pertaining to this matter.

3. Final Subdivision Action

- a. Subdivision Application No. S-2006-49
(Kauai Habit for Humanity)
Proposed 107-lot Subdivision
TMK: (4) 2-1-001:052
Eleele, Kauai

- 1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2013-02
(State Department of Land and Natural Resources)
Proposed 3-lot Subdivision
TMK: (4) 3-9-001:002(por.)/3-9-002:001 (Por.)
Lihue, Kauai

- 1. Subdivision Report pertaining to this matter

J. ADJOURNMENT

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Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2016-18	Stewart Neil Husband	1-6-006:011	Waimea	Existing storage shed
SSD-2016-20	County of Kauai Parks & Recreation	1-9-009:001	Hanapepe	Replace existing bleachers
SSD-2016-21	Simon Lord	5-4-013:030	Hanalei	Addition and expansion to bedroom and bathrooms. New pools and pergola.
SSD-2016-22	Wailua Bay Coffee Roasters	4-3-002:013	Kapaa	Tenant improvement to existing structure
SSD-2016-23	Shay Nakaahiki	1-3-010:045	Waimea	Garage and patio addition